

## PLANNING COMMISSION STAFF REPORT

## NEW BUSINESS ITEM No. 4

**MEETING DATE: NOVEMBER 18, 2014**

**STAFF CONTACT: MICHELLE LEININGER, PLANNING MANAGER**

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**PROJECT NUMBER / TITLE:** Amendments to Chapter 18.185 of the *Zoning Ordinance* regarding a concurrent submission and review of Preliminary and Final Development Plans

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### **Background**

At the October 6, 2014 City Council Work Session, the Council discussed a possible text amendment to allow for concurrent submission and review of preliminary and final Development Plans.

The Governing Body has approved many zoning changes (changes to the zoning map) whereby the approved zoning is a planned district. Planned districts allow the Planning Commission and Governing Body to approve zone changes contingent on a specific use and development plan. The process requires consideration of a preliminary development plan as part of the rezoning application. Once the rezoning and preliminary development plan is approved, the developer is required to submit a final development plan subject to the Planning Commission approval. The preliminary development plan and final development plan processes are sequential. Processing the final development plan subsequent to the preliminary development plan adds approximately 40 days to the process. Since the beginning of 2012 the City has processed nine final development plans. The City can substantially shorten the development process and improve efficiency by giving the developer the opportunity to have the preliminary development plan and final development plan considered concurrently by the Planning Commission.

### **Amendment Summary**

Staff has proposed language to Chapter 18.185.280 Consideration of final development plans to allow for the concurrent submittal of a preliminary and final development plan. The proposed amendment also includes language to add conditions to the final development plan approval. This will assure that the final development plan is consistent with the approved preliminary development plan and that if the preliminary development plan is not approved by the Governing Body, the final development plan is not valid.

Attached to the staff report are the draft changes to Section 18.185.280 of the *Zoning Ordinance*. Deletions are struck through and additions are underlined, all shown in red.

### **STAFF RECOMMENDATION:**

Staffs recommends the Planning Commission hold a public hearing and forward the amendments to Chapter 18.185.280 of the *Gardner Municipal Code* regarding concurrent submittal and review of preliminary and final development plans to the City Council with a recommendation for approval.

## **Chapter 18.185**

### **AMENDMENT AND REZONING APPLICATIONS AND PROCEDURES**

#### **18.185.280 Consideration of final development plans.**

- A. No property which has a planned zoning district classification or which requires approval of a final development plan may be developed or significantly redeveloped without a final development plan having been submitted to and approved by the Planning Commission indicating that the site will conform to the current applicable requirements of City code. Final development plans for planned zoning districts which contain no modifications or additions from the approved preliminary development plan shall be approved by the Planning Commission if the Commission determines that the landscaping and screening plan is adequate and that all other submission requirements have been satisfied.
- B. A final development plan which contains modifications from the approved preliminary development plan, but is in substantial compliance with the preliminary plan, may be approved by the Planning Commission without a public hearing; provided, that the Commission determines that the landscaping and screening plan is adequate and that all other submission requirements have been satisfied. For purposes of this section, lack of "substantial compliance" shall have the same meaning as "substantial or significant changes" as set forth in GMC [18.185.270](#). Any determination made by the Planning Commission under this subsection shall be appealable to the Governing Body by the applicant within 10 days of the date of the Planning Commission determination.
- C. In the event of a determination that the proposed final development plan is not in substantial compliance with the approved preliminary development plan, the application may not be considered except at a public hearing, following publication notice and notice to surrounding property owners as provided in GMC [18.185.080](#) through [18.185.100](#).
- D. Revisions to approved final development plans which are insignificant in nature may be approved administratively by the Community Development Director. In no event may revisions to approved final development plans be approved administratively if the proposed revised final plan contains "substantial or significant changes" as defined in GMC [18.185.270](#).
- E. The Business and Economic Development Director or designee may accept final development plans submitted concurrently with the preliminary development plan. The Planning Commission may approve a final development plan prior to the approval of a preliminary development plan by the Governing Body with the conditions on the final development plan approval that it is consistent with the approved preliminary development plan and subject to the preliminary development plan being approved by the Governing Body.